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UNITED STATES OF AMERICA
12

13 UNITED STATES DISTRICT COURT

14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 WEI CHANG GONG,
aka "Ray Gong,"

19 Defendant.
20

No. CR 18-335-AB-20

PLEA AGREEMENT FOR DEFENDANT
WEI CHANG GONG

21
22 1. This constitutes the plea agreement between Wei Chang Gong
23 ("defendant") and the United States Attorney's Office for the Central
24 District of California (the "USAO") in the above-captioned case.
25 This agreement is limited to the USAO and cannot bind any other
26 federal, state, local, or foreign prosecuting, enforcement,
27 administrative, or regulatory authorities.
28

DEFENDANT'S OBLIGATIONS

2. Defendant agrees to:

a. At the earliest opportunity requested by the USAO and provided by the Court, appear and plead guilty to count 23 of the indictment in United States v. Jose Leonel Payan Castillo, et al., CR No. 18-335-AB, which charges defendant with conspiracy to launder monetary instruments, in violation of 18 U.S.C. § 1956(h).

b. Agree that all court appearances, including his change of plea hearing and sentencing hearing, may proceed by video-teleconference ("VTC") or telephone, if VTC is not reasonably available, so long as such appearances are authorized by Order of the Chief Judge 20-043 or another order, rule, or statute. Defendant understands that, under the United States Constitution, the United States Code, and the Federal Rules of Criminal Procedure (including Rules 11, 32, and 43), he may have the right to be physically present at these hearings. Defendant understands that right and, after consulting with counsel, voluntarily agrees to waive it and to proceed remotely. Defense counsel also joins in this consent, agreement, and waiver. Specifically, this agreement includes, but is not limited to, the following:

i. Defendant consents under Section 15002(b) of the CARES Act to proceed with his change of plea hearing By VTC or telephone, if VTC is not reasonably available.

ii. Defendant consents under Section 15002(b) of the CARES Act to proceed with his sentencing hearing by VTC or telephone, if VTC is not reasonably available.

iii. Defendant consents under 18 U.S.C. § 3148 and Section 15002(b) of the CARES Act to proceed with any hearing

1 regarding alleged violations of the conditions of pretrial release by
2 VTC or telephone, if VTC is not reasonably available.

3 c. Not contest facts agreed to in this agreement.

4 d. Abide by all agreements regarding sentencing contained
5 in this agreement.

6 e. Appear for all court appearances, surrender as ordered
7 for service of sentence, obey all conditions of any bond, and obey
8 any other ongoing court order in this matter.

9 f. Not commit any crime; however, offenses that would be
10 excluded for sentencing purposes under United States Sentencing
11 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
12 within the scope of this agreement.

13 g. Be truthful at all times with the United States
14 Probation and Pretrial Services Office and the Court.

15 h. Pay the applicable special assessment at or before the
16 time of sentencing unless defendant has demonstrated a lack of
17 ability to pay such assessments.

18 THE USAO'S OBLIGATIONS

19 3. The USAO agrees to:

20 a. Not contest facts agreed to in this agreement.

21 b. Abide by all agreements regarding sentencing contained
22 in this agreement.

23 c. At the time of sentencing, provided that defendant
24 demonstrates an acceptance of responsibility for the offense up to
25 and including the time of sentencing, recommend a two-level reduction
26 in the applicable Sentencing Guidelines offense level, pursuant to
27 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
28 additional one-level reduction if available under that section.

1 d. Should the Court sentence defendant to a term of
2 imprisonment, recommend that defendant not be required to self-
3 surrender to serve his sentence until on or after February 1, 2021,
4 unless defendant violates the conditions of his bond.

5 e. Because the justice system is facing an unprecedented
6 crisis through the backlog of cases, the parties agree that the
7 defendant is entitled to a two-level variance as recognition of
8 defendant's early acceptance of responsibility, which will lessen the
9 burden on the court system by: (1) waiving any right to presence and
10 pleading guilty at the earliest opportunity by VTC (or telephone, if
11 VTC is not reasonably available); (2) waiving any right to presence
12 and agreeing to be sentenced by VTC (or telephone, if VTC is not
13 reasonably available) should the Central District of California's
14 General Order allow for it; (3) agreeing to appear at all other times
15 by VTC or telephone; and (4) waiving all appellate rights.

16 NATURE OF THE OFFENSE

17 4. Defendant understands that for defendant to be guilty of
18 the crime charged in count 23, that is, conspiracy to launder
19 monetary instruments, in violation of 18 U.S.C. § 1956(h), the
20 following must be true: (1) there was an agreement between two or
21 more persons to commit the crime of money laundering, in violation of
22 18 U.S.C. § 1956(a)(1)(B)(i), that is, to (a) conduct or attempt to
23 conduct a financial transaction, (b) knowing that the property
24 involved in such a financial transaction represents the proceeds of
25 some form of unlawful activity, (c) which in fact involves the
26 proceeds of specified unlawful activity, and (d) knowing that the
27 transaction is designed in whole or in part to conceal or disguise
28 the nature, location, source, ownership, or control of the proceeds

1 of specified unlawful activity; and (2) defendant willfully joined in
2 the agreement knowing of its unlawful purpose.

3 PENALTIES

4 5. Defendant understands that the statutory maximum sentence
5 that the Court can impose for a violation of 18 U.S.C. § 1956(h) is:
6 20 years' imprisonment; a three-year period of supervised release; a
7 fine of \$500,000 or twice the gross gain or gross loss resulting from
8 the offense, whichever is greatest; and a mandatory special
9 assessment of \$100.

10 6. Defendant understands that supervised release is a period
11 of time following imprisonment during which defendant will be subject
12 to various restrictions and requirements. Defendant understands that
13 if defendant violates one or more of the conditions of any supervised
14 release imposed, defendant may be returned to prison for all or part
15 of the term of supervised release authorized by statute for the
16 offense that resulted in the term of supervised release, which could
17 result in defendant serving a total term of imprisonment greater than
18 the statutory maximum stated above.

19 7. Defendant understands that, by pleading guilty, defendant
20 may be giving up valuable government benefits and valuable civic
21 rights, such as the right to vote, the right to possess a firearm,
22 the right to hold office, and the right to serve on a jury.
23 Defendant understands that he is pleading guilty to a felony and that
24 it is a federal crime for a convicted felon to possess a firearm or
25 ammunition. Defendant understands that the conviction in this case
26 may also subject defendant to various other collateral consequences,
27 including but not limited to revocation of probation, parole, or
28 supervised release in another case and suspension or revocation of a

1 professional license. Defendant understands that unanticipated
2 collateral consequences will not serve as grounds to withdraw
3 defendant's guilty plea.

4 8. Defendant and his counsel have discussed the fact that, and
5 defendant understands that, if defendant is not a United States
6 citizen, the conviction in this case makes it practically inevitable
7 and a virtual certainty that defendant will be removed or deported
8 from the United States. Defendant may also be denied United States
9 citizenship and admission to the United States in the future.
10 Defendant understands that while there may be arguments that
11 defendant can raise in immigration proceedings to avoid or delay
12 removal, removal is presumptively mandatory and a virtual certainty
13 in this case. Defendant further understands that removal and
14 immigration consequences are the subject of a separate proceeding and
15 that no one, including his attorney or the Court, can predict to an
16 absolute certainty the effect of his conviction on his immigration
17 status. Defendant nevertheless affirms that he wants to plead guilty
18 regardless of any immigration consequences that his plea may entail,
19 even if the consequence is automatic removal from the United States.

20 FACTUAL BASIS

21 9. Defendant admits that defendant is, in fact, guilty of the
22 offense to which defendant is agreeing to plead guilty. Defendant
23 and the USAO agree to the statement of facts provided below and agree
24 that this statement of facts is sufficient to support a plea of
25 guilty to the charge described in this agreement and to establish the
26 Sentencing Guidelines factors set forth in paragraph 11 below but is
27 not meant to be a complete recitation of all facts relevant to the
28

1 underlying criminal conduct or all facts known to either party that
2 relate to that conduct.

3 Beginning on a date unknown and continuing to at least May
4 31, 2018, in the Central District of California, and
5 elsewhere, defendant Wei Chang Gong, aka "Ray Gong,"
6 knowingly and intentionally conspired with others,
7 including defendant First Name Unknown Last Name Unknown,
8 aka "Ralphee," aka "Rodolfo," aka "Lic Rodolfo," aka
9 "Mariano" ("Ralphee"), and defendant Guohua Luo, aka
10 "Juancaro," aka "Juan," aka "JC," aka "Juan Caros" ("Luo"),
11 to launder money. In particular, on or about October 19
12 and 20, 2016, defendant, co-defendant Ralphee, co-defendant
13 Luo, and others conspired to launder funds located in
14 Chicago, Illinois. On October 31, 2016, in Chicago,
15 defendant possessed approximately \$492,116, in illicit
16 proceeds, that defendant intended to transport on behalf of
17 co-defendant Ralphee and co-defendant Luo. Defendant also
18 possessed multiple money counters, approximately six
19 cellular telephones, drug/money ledgers, and packaging
20 materials including plastic bags, packaging tape, scissors,
21 and rubber bands. In possessing these funds and assisting
22 with the transfer of these funds, defendant admits that he
23 agreed to possess and intended to transfer money that he
24 knew to be drug proceeds and which he knew to be the
25 proceeds of a specified unlawful activity and which in fact
26 were proceeds of a specified unlawful activity (namely,
27 drug trafficking), knowing that the intended transfer was
28

designed to conceal the nature, source, location, ownership and control of the proceeds.

SENTENCING FACTORS

10. Defendant understands that in determining defendant's sentence the Court is required to calculate the applicable Sentencing Guidelines range and to consider that range, possible departures under the Sentencing Guidelines, and the other sentencing factors set forth in 18 U.S.C. § 3553(a). Defendant understands that the Sentencing Guidelines are advisory only, that defendant cannot have any expectation of receiving a sentence within the calculated Sentencing Guidelines range, and that after considering the Sentencing Guidelines and the other § 3553(a) factors, the Court will be free to exercise its discretion to impose any sentence it finds appropriate up to the maximum set by statute for the crime of conviction.

11. Defendant and the USAO agree to the following applicable Sentencing Guidelines factors:

Base Offense Level:	8	[U.S.S.G. § 2S1.1(a)(2),
	+12	2B1.1(b)(1)(G)]

Specific Offense Characteristics

Defendant Knew or Believed that the Laundered Funds Were Drug Trafficking Proceeds:	+6	[U.S.S.G. § 2S1.1(b)(1)]
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§ 1956 conviction:	+2	[U.S.S.G. § 2S1.1(b)(2)(B)]
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Adjustments [Mitigating Role]:	-3	[U.S.S.G. § 3B1.2]
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1 Defendant and the USAO reserve the right to argue that additional
2 specific offense characteristics, adjustments, and departures under
3 the Sentencing Guidelines are appropriate. Defendant understands
4 that defendant's offense level could be increased if defendant is a
5 career offender under U.S.S.G. §§ 4B1.1 and 4B1.2. If defendant's
6 offense level is so altered, defendant and the USAO will not be bound
7 by the agreement to the Sentencing Guideline factors set forth above.

8 12. Defendant understands that there is no agreement as to
9 defendant's criminal history or criminal history category.

10 13. Defendant reserves the right to argue for a sentence
11 outside the sentencing range established by the Sentencing Guidelines
12 based on the factors set forth in 18 U.S.C. § 3553(a)(1), (a)(2),
13 (a)(3), (a)(6), and (a)(7).

14 WAIVER OF CONSTITUTIONAL RIGHTS

15 14. Defendant understands that by pleading guilty, defendant
16 gives up the following rights:

17 a. The right to persist in a plea of not guilty.

18 b. The right to a speedy and public trial by jury.

19 c. The right to be represented by counsel -- and if
20 necessary have the Court appoint counsel -- at trial. Defendant
21 understands, however, that, defendant retains the right to be
22 represented by counsel -- and if necessary have the Court appoint
23 counsel -- at every other stage of the proceeding.

24 d. The right to be presumed innocent and to have the
25 burden of proof placed on the government to prove defendant guilty
26 beyond a reasonable doubt.

27 e. The right to confront and cross-examine witnesses
28 against defendant.

1 f. The right to testify and to present evidence in
2 opposition to the charges, including the right to compel the
3 attendance of witnesses to testify.

4 g. The right not to be compelled to testify, and, if
5 defendant chose not to testify or present evidence, to have that
6 choice not be used against defendant.

7 h. Any and all rights to pursue any affirmative defenses,
8 Fourth Amendment or Fifth Amendment claims, and other pretrial
9 motions that have been filed or could be filed.

10 WAIVER OF APPEAL OF CONVICTION

11 15. Defendant understands that, with the exception of an appeal
12 based on a claim that defendant's guilty plea was involuntary, by
13 pleading guilty defendant is waiving and giving up any right to
14 appeal defendant's conviction on the offense to which defendant is
15 pleading guilty. Defendant understands that this waiver includes,
16 but is not limited to, arguments that the statute to which defendant
17 is pleading guilty is unconstitutional, and any and all claims that
18 the statement of facts provided herein is insufficient to support
19 defendant's plea of guilty.

20 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

21 16. Defendant gives up the right to appeal all of the
22 following: (a) the procedures and calculations used to determine and
23 impose any portion of the sentence; (b) the term of imprisonment
24 imposed by the Court, provided it is no more than the high-end of the
25 Sentencing Guidelines range calculated by the Court; (c) the fine
26 imposed by the Court, provided it is within the statutory maximum;
27 (d) to the extent permitted by law, the constitutionality or legality
28 of defendant's sentence, provided it is within the statutory maximum;

1 (e) the term of probation or supervised release imposed by the Court,
2 provided it is within the statutory maximum; and (f) any of the
3 following conditions of probation or supervised release imposed by
4 the Court: the conditions set forth in General Order 20-04 of this
5 Court; the drug testing conditions mandated by 18 U.S.C. §§
6 3563(a)(5) and 3583(d); and the alcohol and drug use conditions
7 authorized by 18 U.S.C. § 3563(b)(7).

8 17. Defendant also gives up any right to bring a postconviction
9 collateral attack on the conviction or sentence, except a post-
10 conviction collateral attack based on a claim of ineffective
11 assistance of counsel or an explicitly retroactive change in the
12 applicable Sentencing Guidelines, sentencing statutes, or statute of
13 conviction. Defendant understands that this waiver includes, but is
14 not limited to, arguments that the statute to which defendant is
15 pleading guilty is unconstitutional, that newly discovered evidence
16 purportedly supports defendant's innocence, and any and all claims
17 that the statement of facts provided herein is insufficient to
18 support defendant's plea of guilty.

19 18. The USAO agrees that, provided all portions of the sentence
20 are at or below the statutory maximum specified above, the USAO gives
21 up its right to appeal any portion of the sentence.

22 RESULT OF WITHDRAWAL OF GUILTY PLEA

23 19. Defendant agrees that if, after entering a guilty plea
24 pursuant to this agreement, defendant seeks to withdraw and succeeds
25 in withdrawing defendant's guilty plea on any basis other than a
26 claim and finding that entry into this plea agreement was
27 involuntary, then the USAO will be relieved of all of its obligations
28 under this agreement.

1 EFFECTIVE DATE OF AGREEMENT

2 20. This agreement is effective upon signature and execution of
3 all required certifications by defendant, defendant's counsel, and an
4 Assistant United States Attorney.

5 BREACH OF AGREEMENT

6 21. Defendant agrees that if defendant, at any time after the
7 signature of this agreement and execution of all required
8 certifications by defendant, defendant's counsel, and an Assistant
9 United States Attorney, knowingly violates or fails to perform any of
10 defendant's obligations under this agreement ("a breach"), the USAO
11 may declare this agreement breached. All of defendant's obligations
12 are material, a single breach of this agreement is sufficient for the
13 USAO to declare a breach, and defendant shall not be deemed to have
14 cured a breach without the express agreement of the USAO in writing.
15 If the USAO declares this agreement breached, and the Court finds
16 such a breach to have occurred, then: (a) if defendant has previously
17 entered a guilty plea pursuant to this agreement, defendant will not
18 be able to withdraw the guilty plea, and (b) the USAO will be
19 relieved of all its obligations under this agreement.

20 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

21 OFFICE NOT PARTIES

22 22. Defendant understands that the Court and the United States
23 Probation and Pretrial Services Office are not parties to this
24 agreement and need not accept any of the USAO's sentencing
25 recommendations or the parties' agreements to facts or sentencing
26 factors.

27 23. Defendant understands that both defendant and the USAO are
28 free to: (a) supplement the facts by supplying relevant information

1 to the United States Probation and Pretrial Services Office and the
2 Court, (b) correct any and all factual misstatements relating to the
3 Court's Sentencing Guidelines calculations and determination of
4 sentence, and (c) argue on appeal and collateral review that the
5 Court's Sentencing Guidelines calculations and the sentence it
6 chooses to impose are not error, although each party agrees to
7 maintain its view that the calculations in paragraph 11 are
8 consistent with the facts of this case. While this paragraph permits
9 both the USAO and defendant to submit full and complete factual
10 information to the United States Probation and Pretrial Services
11 Office and the Court, even if that factual information may be viewed
12 as inconsistent with the facts agreed to in this agreement, this
13 paragraph does not affect defendant's and the USAO's obligations not
14 to contest the facts agreed to in this agreement.

15 24. Defendant understands that even if the Court ignores any
16 sentencing recommendation, finds facts or reaches conclusions
17 different from those agreed to, and/or imposes any sentence up to the
18 maximum established by statute, defendant cannot, for that reason,
19 withdraw defendant's guilty plea, and defendant will remain bound to
20 fulfill all defendant's obligations under this agreement. Defendant
21 understands that no one -- not the prosecutor, defendant's attorney,
22 or the Court -- can make a binding prediction or promise regarding
23 the sentence defendant will receive, except that it will be within
24 the statutory maximum.

25 NO ADDITIONAL AGREEMENTS

26 25. Defendant understands that, except as set forth herein and
27 in any contemporaneous agreement or addendum signed by all parties,
28 there are no promises, understandings, or agreements between the USAO

1 and defendant or defendant's attorney, and that no additional
2 promise, understanding, or agreement may be entered into unless in a
3 writing signed by all parties or on the record in court.

4 PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

5 26. The parties agree that this agreement will be considered
6 part of the record of defendant's guilty plea hearing as if the
7 entire agreement had been read into the record of the proceeding.

8 AGREED AND ACCEPTED

9 UNITED STATES ATTORNEY'S OFFICE
10 FOR THE CENTRAL DISTRICT OF
CALIFORNIA

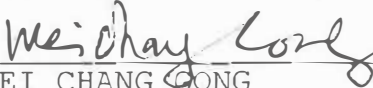
11 NICOLA T. HANNA
12 United States Attorney

13 

10/16/20


14 A. CARLEY PALMER
15 BENEDETTO L. BALDING
Assistant United States Attorneys

Date

16 

WEI CHANG GONG
Defendant

10-16-20
Date

17 
18 MICHAEL D. WALSH
Attorney for Defendant
19 WEI CHANG GONG

10-16-20
Date

20
21
22 CERTIFICATION OF DEFENDANT

23 This agreement has been read to me in Mandarin, the language I
24 understand best. I have had enough time to review and consider this
25 agreement, and I have carefully and thoroughly discussed every part
26 of it with my attorney. I understand the terms of this agreement,
27 and I voluntarily agree to those terms. I have discussed the
28 evidence with my attorney, and my attorney has advised me of my

rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement or in an agreement signed by all parties or on the record in open court. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.

X. Weichang Gong

WEI CHANG GONG
Defendant

10-16-20
Date

CERTIFICATION OF INTERPRETER

I, Shorly Sun, am fluent in the written and spoken English and Mandarin languages. I accurately translated this entire agreement from English into Mandarin to defendant WEI CHANG GONG on this date.

[Signature]

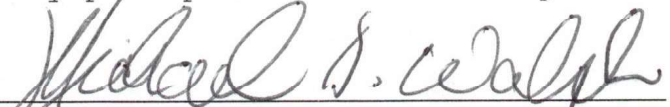
INTERPRETER

10-16-20
Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am WEI CHANG GONG's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I

1 have fully advised my client of his rights, of possible pretrial
2 motions that might be filed, of possible defenses that might be
3 asserted either prior to or at trial, of the sentencing factors set
4 forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines
5 provisions, and of the consequences of entering into this agreement.
6 To my knowledge: no promises, inducements, or representations of any
7 kind have been made to my client other than those contained in this
8 agreement or in an agreement signed by all parties or on the record
9 in court; no one has threatened or forced my client in any way to
10 enter into this agreement; my client's decision to enter into this
11 agreement is informed and voluntary; and the factual basis set forth
12 in this agreement is sufficient to support my client's entry of a
13 guilty plea pursuant to this agreement.

14 
15 MICHAEL D. WALSH
16 Attorney for Defendant
WEI CHANG GONG

10-16-20
Date